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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,658	10/16/2003	Yi-Chang Chen	WISP0042USA	2657

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EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,658

Applicant(s)

CHEN ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 6, 9-11, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Eckardt U.S. Patent 6,542, 979.

4. As per claim 1, Eckardt discloses a method for turning on a computer, the method comprising:

providing the computer with a hard disk drive [100 fig. 2] and a switch [hot “key” - col. 1 lines 61-66; col. 3 lines 44-45];

storing a first master boot record (MBR) in a first region of the hard disk drive, the first MBR corresponding to a set of operation systems comprising at least an operation system [col. 2 lines 27-36];

storing a second MBR in a second region of the hard disk drive, the second MBR corresponding to a set of program codes comprising at least a program code [98n fig. 1; col. 3 lines 33-46];

powering on the computer; and

detecting a status of the switch and executing a program code of the set of program codes if the switch is on a predetermined status, or executing an operation system of the set of operation systems if the switch is not on the predetermined status [claim 1].

5. As per claim 3, Eckardt discloses the program code comprises a drive program [col. 3 lines 58-60].

6. As per claim 4, Eckardt discloses the first region occupies first 512 bytes of the hard disk drive [inherent].

7. As per claim 6, Eckardt discloses the computer with a housing [inherent].

8. As per claim 9, Eckardt discloses a computer comprising:

a switch [col. 3 lines 44-46];

a first memory stored with a basic input/output system (BIOS) [99 fig. 2];

a second memory [100 fig. 2] comprising a first region stored with a first MBR corresponding to a set of operation systems comprising at least an operation system, and a second region stored with a second MBR corresponding to a set of program codes comprising at least a program code [see discussion in claim 1]; and

a processor [98 fig. 2] for executing the BIOS and selectively executing an operation system of the set of operation system if the switch is on a predetermined status or a program code of the set of program codes if the switch is not on the predetermined status [see discussion in claim 1].

9. As per claim 10, Eckardt discloses the first memory is a read only memory [inherent].
10. As per claim 11, Eckardt discloses the second memory is a hard disk drive [100 fig. 2].
11. As per claim 15, see discussion in claim 3.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hugard et al. as applied to claim (1 and 6) or 9 and above.

14. As per claim 8, Hugard teaches the specified operation during boot time can be based on the status of a hardware switch. Hugard does not teach expressly the location of the switch.

However, it would have been obvious to one of ordinary skill in the art that the switch of Hugard can be installed on a region inside the housing [design choice] because the specific location of the switch does not affect the operation of the system.

15. Claims 1-2, 4-7, 9-14, 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Hugard et al. U.S. Patent 5,136,711 in view of Jacobs et al. U.S. Patent 6,502,003.

16. As per claim 1, Hugard et al. teach a method of turning on a computer, the method comprising:

providing the computer with a hard disk drive [102 fig. 1];

storing a first master boot record (MBR) in a first region of the hard disk drive, the first MBR corresponding to a set of operation systems comprising at least an operation system [Partition 1 fig. 1];

storing a second MBR in a second region of the hard disk drive, the second MBR corresponding to a set of program codes comprising at least a program code [Partition 2 fig. 1];

powering on the computer; and

detecting boot mode and executing a program code of the set of program codes if the boot mode is on a predetermined status, or executing an operation system of the set of operation systems if the boot mode is not on the predetermined status [claim 1].

Hugard et al. do not teach a switch.

Jacobs et al. teach another computer system in which the user is able to of placing the computer system in a primary or a secondary operational mode. Specifically, Jacobs et al. teach, upon powering up the computer, the computer system detects the status of the switch [DM_SW 56 fig. 1] and executing a program code of the set of program code if the switch is on a predetermined status [col. 4 lines 30-39], or executing an operation system of the set of operation system if the switch is not on the predetermined status [col. 4 lines 47-57].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Hugard et al. with the switch of Jacobs et al. in order to provide the user with the ability to select the desire boot mode.

17. As per claim 2, Hugard et al. teach the program code comprises an operation system [claim 1].
18. As per claim 4, Hugard et al. teach the first region occupies first 512 bytes of the hard disk drive [col. 2 lines 53-56].
19. As per claim 5, Hugard et al. teach the second region is located after the first region [102 fig. 1].
20. As per claim 6, Jacobs et al. teach the computer with housing [fig. 5].
21. As per claim 7, Jacobs et al. teach installing the switch on the surface of the housing [56 fig. 4].
22. As per claim 9, It is noted that the limitation do not substantially differ from claim 1, with the exception of the limitation reciting “a first memory stored with a basic input/output system (BIOS)” and a processor for executing the BIOS.” As demonstrated previously, the combination of Hugard et al. and Jacobs et al. anticipated the limitation in claim 1. The limitations regarding the first memory and a processor for executing the BIOS are also anticipated, as Hugard et al. teach first memory [110 fig. 1] stored with system BIOS and a processor [108 fig. 1] for executing the BIOS and selectively executing an operation system.

23. As per claim 10, Hugard et al. teach the first memory is a read only memory (ROM) [110 fig. 1].

24. As per claim 11, Hugard et al. teach the second memory is a hard disk drive [102 fig. 1].

25. As per claim 12, see discussion in claim 4.

26. As per claim 13, see discussion in claim 5.

27. As per claim 14, see discussion in claim 2.

28. As per claim 16, Jacobs teach a housing [fig. 5] for the switch to be installed inside [design choice].

29. As per claim 17, Jacobs et al. teach a housing having a surface for the switch to be installed on [fig. 4].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent Tran

A handwritten signature in black ink, appearing to read 'Chun Cao', written in a cursive style.

CHUN CAO
PRIMARY EXAMINER